IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22217 of 1998

Between:

1 Annapuran Consumers Co-operative Stores Ltd.

rep by President M.Guru Krishan Vara Prasad
R/o Narsaraopet , Guntur Dist.
2 M.V Chowdary S/o Punnaiah
R/o Station Road , Narsaraopet , Guntur Dist.

..... PETITIONERS

AND

1 Managing Director A.P State Co-operative Union Ltd.
Gunfoundary , Hyderabad
2 Commissioner and Registrar of Co-operative Societies
Guruhakalpa , Nampally ,
Hyderabad
3 Secretary to Government, Food & Agriculture Department
Secretariat , Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ ,or order or declaring the action of the respondents in not conducting the elections to the A.P. State Co-operative Union ltd., Hyderabad as illegal, arbitrary and vioaltive of Sec.31(2)(b) of the A.P. State Co-operative Societies Act, 1964 and to issue a consequential direction to the respondents to forthwith conduct the elections to the Managing Committee of the A.P Co-operative UnionLtd. Hyderabad by declaring all the action decisions taken by the person-in-charge of the 1st respondent society on or after 1985 null and void.

Counsel for the Petitioner: MR.P.GOVIND REDDY

Counsel for the Respondent No.1: MR.O.MANOHER REDDY

Counsel for the Respondent Nos.2 & 3:GP FOR COOPERATION

The Court made the following:

ORDER:

Aggrieved by the inaction of the respondents in conducting elections to the first respondent-A.P. State Co-Operative Union Limited, Hyderabad, since 1982, the present writ petition is filed seeking to issue directions to the respondents to conduct elections to the Managing Committee of the said Union forthwith.

In the affidavit, filed in support of the writ petition, it is stated that the petitioner is registered as a Society under the provisions of the A.P. Co-Operative Societies Act, 1964. The petitioner-society is one of the members of the first respondent-Union, which consists as its members, the elected Presidents of different societies, like the petitioner, who elect the members to the Managing Committee of the first respondent-Union.

The grievance of the petitioner is that elections to the first respondent-Union was last conducted in the year 1979, and thereafter, for the reasons best known to the respondents, no elections have been conducted for the last 16 years, and it is being managed by Persons-in-Charge, who are nominated by the political parties that are in power. The petitioner contends that the Persons-in-Charge are indulging in all sorts of misfeasance and malfeasance, and thereby, are defeating the very objectives of the co-operative societies, for whose protection and welfare, the first respondent-Union was established.

The petitioner's case is that inasmuch as the first petitioner-society is one of the members of the first respondent-Union, it is entitled to contest for membership to the Managing Committee, and inasmuch as no elections are being conducted, it has lost the right to

become a member in the Managing Committee of the first respondent-Union.

Though the writ petition was admitted as early as on 04.09.1998, after repeated adjournments, counter-affidavit is filed by the respondents only in the year 2005.

In the counter-affidavit filed on behalf of the respondents, they put forth various reasons, owing to which, they are unable to conduct elections to the said Union, and submitted that they are taking steps to conduct the elections.

Learned counsel for the petitioners vehemently contended that under Section-31 (2)(b) of the Co-Operative Societies Act, 1964 the Registrar is bound to conduct elections to the Managing Committee of respondent No.5-Union, before the period of the Managing Committee expires.

The learned Government Pleader fairly admitted that for the last 23 years elections were not conducted to the first respondent-Union and sought six months time for conducting elections to the Managing Committee of the first respondent-Union, as the respondent had already taken steps for conducting the elections.

The first respondent-society is a Union comprising different co-operative societies as its members, headed by their Presidents, and the co-operative societies having been formed for the benefit and welfare of its members, and the societies in turn having formed themselves into respondent No.1-Union for protecting their interests and welfare, and respondent No.1-Union being democratic institution, formed on democratic principles, the respondents are under an obligation to conduct elections to it in time, else the very spirit of democracy would be defeated, and in particular the formation of the very respondent No.1-Union.

In the result, I deem it appropriate to dispose of the writ petition with the following directions:

Inasmuch as the respondents are said to have already taken steps for conducting elections to respondent No.1-Union, they are directed to conduct elections to the Managing Committee of respondent No.1-Union, expeditiously, within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

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25.04.2005

dr/tvk

To

1 Managing Director A.P State Co-operative Union Ltd.
Gunfoundary , Hyderabad
2 Commissioner and Registrar of Co-operative Societies
Guruhakalpa , Nampally ,
Hyderabad
3 Secretary to Government, Food & Agriculture Department
Secretariat , Hyderabad

4 2 CCs to Government Pleader for Co-Operatin,

High Court Buildings, Hyderabad. (OUT)

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